

Filed

7/24/13

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Clerk, U. S. District Court
Western District of Texas

By



Deputy

EASTMAN CHEMICAL COMPANY,
Plaintiff,

-vs-

Case No. A-12-CA-057-SS

PLASTIPURE, INC. and CERTICHEM, INC.,
Defendants.

VERDICT FORM

This Verdict Form contains nine questions. Depending on your answers, you may not answer all questions. Consult the "roadmap" included with each question to determine which questions you should answer based on your responses.

Question One
False Advertising—Falsity

Do you find the following statements were false statements of fact made by CertiChem or PlastiPure about an Eastman product in a commercial advertisement or promotion?

For each statement, answer separately for each Defendant, "Yes" or "No."

Statement: "Tritan resins and products leach chemicals having significant estrogenic activity (EA)."

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: Statements to the effect that Tritan, or products made with Tritan, are dangerous to human health because they exhibit estrogenic activity.

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: "Tritan resins and products leach chemicals having significant estrogenic activity (EA) after common-use stresses."

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Proceed to Question Two.

Question Two
False Advertising—Misleading

Do you find the following statements were misleading statements of fact made by CertiChem or PlastiPure about an Eastman product in a commercial advertisement or promotion?
For each statement, answer separately for each Defendant, "Yes" or "No."

Statement: "Tritan resins and products leach chemicals having significant estrogenic activity (EA)."

| | |
|------------------|------------|
| PlastiPure, Inc. | <u>Yes</u> |
| CertiChem, Inc. | <u>Yes</u> |

Statement: Statements to the effect that Tritan, or products made with Tritan, are dangerous to human health because they exhibit estrogenic activity.

| | |
|------------------|------------|
| PlastiPure, Inc. | <u>Yes</u> |
| CertiChem, Inc. | <u>Yes</u> |

Statement: "Tritan resins and products leach chemicals having significant estrogenic activity (EA) after common-use stresses."

| | |
|------------------|------------|
| PlastiPure, Inc. | <u>Yes</u> |
| CertiChem, Inc. | <u>Yes</u> |

If you have answered "No" as to all statements for all Defendants in Questions One and Two, answer no further questions. Proceed to the last page of the Verdict Form, and have the Presiding Juror sign and date the form. If you have answered "Yes" for at least one statement for at least one Defendant in either Question One or Question Two, proceed to Question Three.

Question Three
False Advertising—Deception

Do you find the following statements deceived, or had the capacity to deceive a substantial segment of potential consumers?

For each statement, answer “Yes” or “No.”

Statement: “Tritan resins and products leach chemicals having significant estrogenic activity (EA).”

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: Statements to the effect that Tritan, or products made with Tritan, are dangerous to human health because they exhibit estrogenic activity.

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: “Tritan resins and products leach chemicals having significant estrogenic activity (EA) after common-use stresses.”

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

If you have answered “No” as to all statements in Question Three, answer no further questions.

Proceed to the last page of the Verdict Form, and have the Presiding Juror sign and date the form.

If you have answered “Yes” for at least one statement in Question Three, proceed to Question Four.

Question Four
False Advertising—Materiality

Do you find any deception caused by the following statements is material, in that it is likely to influence the purchasing decisions of consumers?

For each statement, answer “Yes” or “No.”

Statement: “Tritan resins and products leach chemicals having significant estrogenic activity (EA).”

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: Statements to the effect that Tritan, or products made with Tritan, are dangerous to human health because they exhibit estrogenic activity.

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: “Tritan resins and products leach chemicals having significant estrogenic activity (EA) after common-use stresses.”

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

If you have answered “No” as to all statements in Question Four, answer no further questions.

Proceed to the last page of the Verdict Form, and have the Presiding Juror sign and date the form.

If you have answered “Yes” for at least one statement in Question Four, proceed to Question Five.

Question Five
False Advertising—Injury

Do you find Eastman has been or is likely to be injured as a result of the following statements?

For each statement, answer “Yes” or “No.”

Statement: “Tritan resins and products leach chemicals having significant estrogenic activity (EA).”

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: Statements to the effect that Tritan, or products made with Tritan, are dangerous to human health because they exhibit estrogenic activity.

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Statement: “Tritan resins and products leach chemicals having significant estrogenic activity (EA) after common-use stresses.”

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

If you have answered “No” as to all statements in Question Five, answer no further questions.

Proceed to the last page of the Verdict Form, and have the Presiding Juror sign and date the form.

If you have answered “Yes” for at least one statement in Question Five, proceed to Question Six.

Question Six
False Advertising—Willfulness

Do you find that PlastiPure or CertiChem willfully engaged in false advertising?

For each Defendant, answer separately, "Yes" or "No."

PlastiPure, Inc.

Yes

CertiChem, Inc.

Yes

If you have found either Defendant liable for false advertising in Questions One through Five, proceed to Answer Question Seven. If you have found both Defendants not liable for false advertising, answer no further questions. Proceed to the last page of the Verdict Form, and have the Presiding Juror sign and date the form.

Question Seven
Unfair Competition—Liability

Do you find that PlastiPure or CertiChem committed an illegal or tortious act that interfered with Eastman's ability to conduct its business?

For each Defendant, answer separately, "Yes" or "No."

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Proceed to Question Eight.

Question Eight
Civil Conspiracy

Do you find PlastiPure or CertiChem were part of a conspiracy that damaged Eastman?

For each Defendant, answer separately, "Yes" or "No."

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

Proceed to Question Nine.

Question Nine
Aiding and Abetting

If you find that either PlastiPure or CertiChem is liable for false advertising or unfair competition, do you also find that either PlastiPure or CertiChem aided and abetted the other in carrying out that conduct?

For each Defendant, answer separately, "Yes" or "No."

PlastiPure, Inc. Yes

CertiChem, Inc. Yes

This is the final question. Please have the Presiding Juror sign and date the verdict form, and inform the court security officer you have reached a verdict.

**SIGNATURE REDACTED PURSUANT
TO E-GOVERNMENT ACT OF 2002**

Presiding Juror

7/24/13
Date